

**New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island, RI
Tuesday, May 04, 2010
7:00 p.m.**

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilors Peter B. Baute, Town Councilor Kenneth C. Lacoste, and Town Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge, Attorney Donald Packer and Finance Director Amy Land. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

First Warden Kimberley Gaffett called the meeting to order at 7:00 p.m.

Warden's Report: First Warden Gaffett reported the Block Island Early Learning Center's pasta dinner fundraiser will be next Monday, May 10, 2010. Representatives from FEMA will be on the Island Thursday to respond to claims for disaster assistance from last month's flooding.

Public Input: Second Warden Raymond Torrey reported RIAC will move forward with an art project at the airport, and is considering a request for a drinking fountain. Edie Blane asked for action on road issues: the apron and rocks on Beach Avenue at the Weather Bureau intrude onto the town's property, rocks below the hedge at the corner of Old Town Road and Connecticut Avenue intrude into the narrow travel area, a longstanding pothole on West Beach Road. She suggested the broken fencing next to the Surf Hotel be repaired or replaced with stairs to the beach. She also questioned the wisdom of heavy trucks parking on the new sidewalks. Pat Doyle's comments are incorporated under agenda item #1. "Act on Town position regarding pending legislation re: S 2819 (Offshore Block Island Wind Farm)"

Public Hearing re: application of Paynes 1614 Realty, LLC to amend the New Shoreham Zoning Ordinance to add the words "Restaurants within Duly Permitted Inn" to the list of uses allowed by special exception in the Mixed Use Zone [at Article 3, Section 310(E)], and to make a corresponding change in Appendix B (Use Categories Allowed by Zoning District)

Public Hearing re: application of Paynes 1614 Realty, LLC to amend the New Shoreham Zoning Map to change the zoning of Plat 5, Lot 111 (Payne's Harbor View Inn) from Mixed Use to New Harbor Commercial Zoning.

The First Warden moved to open the public hearings, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The Planning Board's advisory opinion was not available because the applicant made changes which will be considered by the Planning Board on May 12. The Town Council received a request from the applicant's attorney William Landry to continue the hearing to May 19. Attorney Michael McElroy, representing an abutter, said his expert witness is not able to attend the May 19 meeting. Attorney Packer said the Town Council may want to hear the witness. A discussion ensued.

Ms. Gaffett moved to continue the public hearings of Paynes 1614 Realty, LLC to June 7, 2010. Motion was seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

1. Act on Town position regarding pending legislation re: S 2819 (Offshore Block Island Wind Farm)

Mr. Martin recused because he is employed by the Block Island Power Company.

First Warden Kimberley H. Gaffett reported she and other members of the Town Council will be at the Statehouse tomorrow for a hearing on Senate Bill 2819 (attached). Ms. Gaffett invited discussion regarding the Town's position, and how to go forward.

Pat Doyle described her change of opinion regarding Deepwater Wind's project, and asked the Council to report that the people on the Island are divided on the issue. She would like an off-

shore wind farm and a stand-alone cable from the Island to the mainland. She asked Council members to slow down the process.

First Warden Gaffett spoke in support of wind energy, both phases of the Deepwater project and S 2819.

Dr. Baute spoke in support of S 2819, a step toward Deepwater's offshore wind energy project. He referred to the recent deaths of 29 coalminers and 11 oil rig workers in the US, and the massive, ongoing, potentially devastating oil spill in the Gulf of Mexico. He spoke in favor of the wind project for the economic benefit of the Island, and for the opportunity to produce safe, clean power locally which will benefit the state, region, nation and world. He also clarified that the public opinion survey measuring attitudes about wind power was not paid for by Deepwater in any way.

Second Warden Torrey spoke in favor of S 2819, and the benefits wind power would provide for Block Island.

Sean McGarry spoke in favor of wind power far offshore where it cannot be seen; he opposes an installation within sight. Keith Lewis favors Deepwater's project if lighting is held to a minimum, if the windmills do not harm wildlife, and if it benefits Block Island. The wind farm will be directly in front of his house. He supports S 2819 because he believes the rules have become obsolete and need to be adjusted. Martha Ball read a statement in support of wind energy into the record. It is attached to these minutes.

Socha Cohen asked if a cable could come to the Island from a far offshore wind installation. Deepwater Wind's representative Bryan Wilson said Deepwater needs to build the pilot project near the Island before going forward with the offshore installation.

Mr. Lacoste read David Lewis' letter into the record. He supports the points in the letter. Ms. Gaffett read a letter of Rosemary Ives into the record. The letters are attached to these minutes. Dr. Baute refuted points in Ms. Ives letter, including the 98% return figure. Mr. Lacoste believes the suggestions made in the bill shortcut the public process of comment, evidentiary hearings, and public hearings. He asks what happens if the panel decides the wind installation is not feasible. He would like to pursue the PUC's exploration of a stand-alone cable.

First Warden Gaffett moved that the Town Council represent at the committee hearing on S 2819 that the Town Council is in support of the bill, but acknowledges there is not Island-wide unanimous support; the Council will seek to amend the bill to limit the Block Island community's portion of the transmittal costs, and raise the issue of an annual limit on the Block Island Power Company's recovery of charges incurred. Motion seconded by Dr. Baute.

Ayes: 3 (Gaffett, Torrey, Baute) Nays: 1 (Lacoste) Recuse: 1 (Martin)

Lacoste supports the idea of a stand-alone cable and is not sure S2819 is the appropriate mechanism to that end.

2. Act on Finance Director request: Quarterly Municipal deficits reports

Gaffett moves to authorize the Finance Director to submit the quarterly deficits reports, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

3. Act on Motor Vehicle For Hire recommendations re: annual license and waiting list renewals

First Warden Gaffett recused, because she holds a bus license under the ordinance, and because her brother is licensed under the ordinance.

Second Warden Torrey moved, seconded by Mr. Lacoste, that pending receipt of appropriate licensing fees, certificates of insurance naming the Town of New Shoreham as certificate holder, appropriate approvals by the NSPD and with the stipulation that drivers state rates to passengers prior to departure, to grant the renewal of taxi license for the 2010-2011 season for: Martha Ball, Howard Ballard, Oscar Berlin, Victoria Carson, Judy Clark, Muriel Clark, Gloria Hall Daubert,

Mary Donnelly, Marcel Dulac, Nat Gaffett, Richard Gann, Jon Grant, Geoffrey Hall, Daniel Hart, Monica Hull-Shea, Avery Kirby, Everett Littlefield, Vincent McAloon, Timothy McCabe, Edward McGovern, Rally Migliaccio, Florence Millikin, William Millikin, Frank Nicastro, Chris O'Neill, Cathy Payne, Henry Peterson, Maureen Quackenbush, James Rondinone, Abra Savoie, David Schaller, Sue Ann Shaw, Michael Shea and Champlin Starr.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

Second Warden Torrey moved, seconded by Dr. Baute, to renew the charter bus license of Howard Rice, pending receipt of appropriate licensing fees, certificate of insurance naming the Town of New Shoreham as certificate holder, and appropriate approvals by the New Shoreham Police Department.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

Mr. Torrey moved, seconded by Mr. Martin, to accept the taxi waiting list as forwarded from the Motor Vehicles for Hire Commission: #1 Mark Emmanuelle, #2 Fred Leeder, #3 Peter Monje, #4 James Murphy, #5 Don Thimble, #6 Fiona Fitzpatrick, #7 Laurie McTeague, #8 Charles Douglas, #9 Lila Arnold, #10 Clifford McGinnes, Jr., #11 Shirleyne J. Gobern, #12 Douglas Michel, #13 Barbara Michel, #14 Richard Tretheway, #15 Patricia Tretheway, #16 Brian Neville, #17 Mark Helterline, #18 Celeste Helterline, #19 John H. Tripler, #20 Janet Ziegler, #21 Nancy Greenaway, #22 Linda Pearson, #23 Virginia Milner, #24 David Milner, #25 Amelia Gallant, #26 John Cullen, #27 Miriam Leveille, #28 Patrick Evans, #29 David Brennan, #30 John D. Connell, #31 Thomas Durden, #32 Ann Hall, #33 Glen Hall, #34 Richard Mazzur, III, #35 Marcy Lischke, #36 Christopher Lischke, #37. Robert J. Rose, #38. Edith Blane.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

Kimberley Gaffett is not renewing her charter bus license. A discussion of the charter bus waiting list ensued. The MVFH Commission forwarded a recommendation on the wait list as follows: #1 Henry Peterson, #2. William McCombe. Mr. Peterson and Mr. McCombe appeared before the Town Council and asked to switch places on the waiting list, so Mr. McCombe would be first in line for the available bus license. Mr. Peterson explained he's unable to pick up the license at this time because of personal issues which require his time and attention.

Mr. Torrey moved to accept the charter bus waiting list as follows: 1. William McCombe, 2. Henry Peterson, seconded by Dr. Baute.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

Dr. Baute moved to grant a charter bus license to William McCombe, pending receipt of appropriate licensing fees, certificate of insurance naming the Town of New Shoreham as certificate holder, and appropriate approvals by the New Shoreham Police Department.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

Dr. Baute moved to return Henry Peterson to first place on the charter bus waiting list, seconded by Mr. Martin.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

4. Board Committee and Commissions

- Act on Sewer District Commission appointments
- Act on Water District Commission appointments

Ms. Gaffett explained Cliff McGinness' term does not expire until 2012. A clerical error indicated, wrongly, that his term would expire in 2010. Dr. Baute noted Mr. McGinness has multiple conflicts serving on the board: the Commissions are a major account for BIPCo, of which Mr. McGinness is President, his son holds the sludge removal contract for the Sewer Commission, his son supplies oil to the commissions. Mr. McGinness said he recuses for any conflict.

Ms. Gaffett moved to reappoint Sandra Finizia to the Sewer District Commission and the Water District Commission for concurrent five year terms, ending in 2015. Motion seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Torrey, Lacoste, Martin) Abstain: 1 (Baute)

Ms. Gaffett moved to reappoint Rally Migliaccio and Frank Leslie as alternates on both the Sewer District Commission and Water District Commission for concurrent one-year terms, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

5. Receive report from the Water District Commission re: Sands Pond and mitigation strategies [Portions of this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation]

Water Company Superintendent Dave Simmons, and Water Commissioners Sandra Finizia and Cliff McGinnes were present to discuss flooding at Sands Pond. The discussion was not held in closed session.

Mr. Simmons said the pond is at a historic high level. The Water Company treats well water for the Town's water supply, but Sands Pond is the emergency backup water supply. Some of the equipment the Water Company would use to treat Sands Pond water is flooded. Bill McCombe noted some FEMA mitigation funds might become available (75% grant, 25% Town match).

About 75% of Sands Pond is owned by Kevin and Elizabeth Scott Connor. Approximately 15 abutters including the Town own the rest. Superintendent Simmons described several possible solutions to the problem. His report is attached to these minutes. He recommended restoring the natural drainage for the pond, which went under Payne Road until sometime in the 1960's. There will be engineering and legal costs. A discussion ensued.

Ms. Gaffett moved to that the Town Council direct the Town Manager, as Director of Public Works, to coordinate an approach and make a plan to restore the natural drainage gradient to the south of Sands Pond, working with Superintendent Simmons and Engineer Jim Gereima, and to continue pursuing preapplication for FEMA mitigation funds, and to keep in close touch with the Water Commission, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

6. Minutes: April 21, 2010, April 5, 2010 (closed session)

Ms. Gaffett moved, seconded by Mr. Torrey, to approve the minutes of April 21, 2010 with changes, and to approve and seal the closed session minutes of April 5, 2010.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The Clerk was directed to provide a copy of the April 5, 2010 closed session minutes to Bruce and Margaret Montgomery, who were present at the session.

7. Correspondence: J. Priestley, Jr. re: Drainage issues at Heinz Field

The correspondence was noted received.

8. Close session re: Champlins Realty, Inc. application for marina [Portions of this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation]

9. Close session re: Old Harbor Dock Project [Portions of this discussion may be held in held in closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation.]

At 10:30, a motion to enter closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of litigation was made by Mr. Torrey and seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Attorney Packer, Town Manager Dodge and Town Clerk Fitzpatrick were present during the Town Council's closed session meeting.

At 11:15, a motion to adjourn the closed session and seal the minutes was made by Ms. Gaffett and seconded by Mr. Torrey.

No motions were made during the closed session.

At 11:15, Ms. Gaffett moved to adjourn, seconded by Mr. Torrey.

Minutes approved: June 7, 2010

Fiona Fitzpatrick, Town Clerk